

Curricular vs. Non-Curricular Clubs

UNDERSTANDING THE DIFFERENCES

It is vital that advisors and student officers understand the difference between curricular clubs and non-curricular clubs because this knowledge will help them determine whether the student rights are being infringed upon. Each day, districts are expected to submit to a staggering list of laws, regulations, rules, and policies placed on them by federal, state, and local governments. School Boards are responsible for looking at these legal obligations and must interpret and create policy containing these legal frameworks for their districts. Sponsors should be aware of the following Legal Frameworks districts are bound to honor: FNAB (Legal), FNAA (Legal), FNA (Legal).

School boards must decide how their districts will determine the distinctions between curricular and non-curricular clubs and the rights afforded to each. Advisors and officers should understand that the rights granted to non-curricular clubs often differ tremendously from those given to curricular clubs. Sponsors should research the following laws within their own school district's Board Policy to verify the distinctions within their district; FNAB (Local), FNAA (Local), FNA (Local).

While each district will differ in the way they determine whether a club is curricular or non-curricular, the standards stated below are typical of many districts. This chart is to be used as a guide only. Sponsors should become familiar with the policy particular to their district.

CURRICULAR CLUBS	NON-CURRICULAR CLUBS
The subject matter of the groups is actually taught or will soon be taught in a regularly offered course.	The club is student initiated and student led.
The subject matter of the group concerns the body of courses as a whole.	Meets during non-instructional time before or after school hours.
Participation in the group is required for a particular course.	Membership in the club is voluntary.
Participation in the group results in academic credit.	Sponsors are involved in a custodial capacity only and are never compensated for their time.
Sponsors may be monetarily compensated for their time.	Examples of Non-Curricular Clubs:
Examples of Curricular Clubs: <ul style="list-style-type: none"> • Drama Club • Future Farmers of America (FFA) • Robotics Club • Business Professionals of America (BPA) • Foreign Language Clubs • Speech & Debate Club • UIL Scholastic Clubs • Yearbook • Cheerleading 	<ul style="list-style-type: none"> • Anime Club • Fellowship of Christian Athletes (FCA) • Environmental Awareness Club • Step Team • Sports Clubs (Frisbee, Scuba, Cricket) • Gay Straight Alliance (GSA) • Community Service Clubs (Key Club) • Muslim Student Association • DOLLS • Photography Club • Student Council

WHY IS THIS IMPORTANT?

When trying to determine if DOLLS is not receiving equal footing on your campus, it is imperative that you compare apples to apples; non-curricular clubs to non-curricular clubs. Your first objective should be to determine if your campus has opened the door to any other non-curricular clubs, thus triggering the Equal Access Act and creating a “limited open forum.” A limited open forum is defined in the Equal Access Act as existing “whenever [a] school grants an offering to or opportunity for one or more non-curriculum related student groups [or clubs] to meet on school premises during non-instructional time.”

*The following excerpt is taken from the Alliance Defense Fund’s **Student Rights Handbook**:*

The rights of religious student clubs in public high schools are protected by the First Amendment to the U.S. Constitution and the Equal Access Act (“the Act”), passed by Congress in 1984. The basic purpose of the Act is to put religious clubs on equal footing with all other student clubs by allowing them the same privileges and access to school facilities that other recognized student clubs enjoy. **Once the school provides an opportunity for a non-curriculum related club to meet, it is said to have created a “limited open forum,” triggering the Act and entitling all other qualified student clubs (like a Bible Club) to the same access and benefits of school facilities as that first club.**

The rights of religious student clubs also stem from the First Amendment of the U.S. Constitution, which offers protection beyond that which the Act provides. Religious student clubs are allowed in public schools because there is a difference between “... government speech endorsing religion, which the Establishment Clause forbids, and private speech endorsing religion, which the Free Speech and Free Exercise Clauses protect.” Public schools cannot exclude certain clubs based on their religious viewpoints or practices. **Once a school allows access to any**

As explained in the ADF’s “Knowing Your Rights” student handbook, once DOLLS is approved as a recognized non-curricular club, the club must be granted access to facilities, funding, and other privileges to the same degree afforded to all other non-curricular student organizations. “The school may not place restrictions on a religious club’s ability to function as a student organization, based on its religious point of view” (Knowing Your Rights, page 6).

After determining which student groups fall in the non-curricular category, it is time to do a comparison. We recommend creating a chart listing all of the non-curricular clubs on your campus and listing all the rights afforded to each of those clubs. The student officers can divide the list of clubs and individually meet with the student leaders or sponsors of each of the other clubs to conduct a survey of the rights and privileges afforded to their organizations. Doing this will allow you to effectively test whether DOLLS is being given “Equal Access” on your campus. If your studies indicate that you are not receiving equitable rights you can take this chart in to a meeting with your campus principal and explain to them your understanding of the law and point out where you suspect the student rights are possibly being neglected.

The following is a sample comparison chart:

	DOLLS	GSA	FCA	Key Club	Earth Club	Muslim Student Association	Anime Club	Photo Club	Step Team		
Club is given access to school facilities for meetings before or after school during non-instructional time.											
Club is allowed to use school equipment (projectors, televisions, Smart boards, speakers, etc.).											
Club is granted access to transportation services.											
Club is given access to the school’s public address system.											
Club is permitted to hang advertisements on campus.											
Club is permitted to distribute flyers advertising meetings on campus.											
Club is given access to the school’s newspaper for advertising.											
Club receives recognition in the annual yearbook.											
Club receives access to district banking & accounting through the campus Associated Student Body(ASB)* Fund.											
Students are free to discuss any issues and engage in any speech they desire at meetings.											
Club is permitted to allow outside speakers & visitors to attend meetings.											
Club is permitted to hold fundraisers throughout the year.											
Club is permitted to provide unrestricted information about their organization on campus webpages.											
Club is permitted to hold events off campus.											
Club is permitted to take field trips and attend conferences, conventions, and workshops.											

*All student clubs that fall into the non-curricular category are lumped into a larger group known as Associated Student Body(ASB). Organizations included in the ASB must be optional, non-credit, and extra-curricular. These clubs are often of a cultural, social, recreational, or athletic nature.